

Appl. No. 09/134,272

Declaration dated September 15, 2003

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl. No. : 09/134,272
Applicant : Zifei Peter Wang
Filed : 08/14/1998
TC/A.U. : 2654
Examiner : Angela A. Armstrong

Confirmation No. 7801

Docket No. : 03239.P010
Customer No. : 8791

RECEIVED

APR 05 2004

Technology Center 2600

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

**DECLARATION OF PRIOR INVENTION TO OVERCOME
CITED PATENT OR PUBLICATION (37 C.F.R. § 1.131)*****Purpose of Declaration***

This declaration is to establish completion of the invention of this application in the United States at a date prior to July 31, 1998, that is the effective date of U.S. Patent No. 6,223,154 (Nicholls) cited in the Office Action.

The subject matter claimed in the above-identified patent application has been assigned to Nortel Networks Limited. The chain of title is identified by the following series of reel/frame numbers: 9398/0581; 010504/0903; and 011195/0706. The person making this declaration is a party in interest, the assignee, which is permitted in accordance with MPEP § 715.04. The inventor is no longer employed by the assignee in interest and, despite diligent efforts by the undersigned attorney including Internet searches and telephone calls, the inventor has not been located, and thus, is not available to make this declaration in a timely manner.

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Facts and Documentary Evidence

This declaration is to establish conception of the invention in the above-identified application in the United States, at a date prior to the July 31, 1998, which is the effective filing date of Nicholls. The subject application was filed merely fifteen days after effective filing date of Nicholls.

Prior to July 31, 1998, the legal department of Nortel Networks Limited received a completed Invention Disclosure Submission, which described the invention as claimed. A redacted copy of the Invention Disclosure Submission is enclosed herewith as Exhibit A. After receipt and review of the Invention Disclosure Submission, the legal department of Nortel Networks Limited decided to proceed and requested Blakely, Sokoloff, Taylor & Zafman LLP to prepare and file a patent application. The patent application was filed on August 14, 1998.

Time of Presentation of the Declaration

This declaration is submitted with a response filed concurrently with a Request for Continued Examination (RCE), and is for the purpose of overcoming the final rejection.

Declaration

As a person signing below:

I hereby declare that all statements made herein of my own knowledge are true and that the statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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For Assignee:

Nortel Networks Limited
2351 Boulevard Alfred-Nobel
St. Laurent, Quebec, Canada H4S 2A9

Holmes W. Anderson

Signature: 

Date: March 24, 2004

Authorized to sign on behalf of assignee as Corporate Counsel

A CERTIFICATE UNDER 37 C.F.R. § 3.73(b) is attached.

An Invention Disclosure Submission, 4 pages, is attached.

PTO/SB/96 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: Nortel Networks Limited**RECEIVED**Application No./Patent No.: 09/134,272 Filed/Issue Date: 08/14/1998**APR 05 2004**Entitled: A Voice Activity Director for Packet Voice Network**Technology Center-2600**Nortel Networks Limited, a corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
The extent (by percentage) of its ownership interest is _____ %
in the patent application/patent identified above by virtue of either:

A. [] An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: Zifei Peter Wang To: Northern Telecom Limited
The document was recorded in the United States Patent and Trademark Office at
Reel 9398, Frame 0581, or for which a copy thereof is attached.

2. From: Northern Telecom Limited To: Nortel Networks Corporation
The document was recorded in the United States Patent and Trademark Office at
Reel 010504, Frame 0903, or for which a copy thereof is attached.

3. From: Nortel Networks Corporation To: Northern Networks Limited
The document was recorded in the United States Patent and Trademark Office at
Reel 011195, Frame 0706, or for which a copy thereof is attached.

[] Additional documents in the chain of title are listed on a supplemental sheet.

[] Copies of assignments or other documents in the chain of title are attached.

(NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

March 24, 2004

Date

978-288-6997

Telephone number

Holmes W. Anderson

Typed or printed name

[Signature]

Signature

Attorney

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.